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ABSTRACT

The children of migrant agricultural workers face what appear to be unsurmountable barriers as they attempt to attain an even rudimentary education. These children must overcome the obstacles of poverty, mobility, economic insecurity, and linguistic disparity. Issues pertaining to the improvement of migrant education include: (1) expanding the definition of "agricultural activity" to include additional mobile populations: (2) involving migrant parents in their children's education: (3) bilingual/bicultural education: (4) increased school enrollment of migrant children: (5) coordination of migrant programs within the newly formed Department of Education: (6) migrant head start programs: (7) the role of the Community Services Administration: (8) impact of competency-based testing: (9) educational rights of children of undocumented migrant workers: and (10) the role of community based organizations. (CMJ)

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National Council of La Raza

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PREPARED COMMENTS

ON

THE NEEDS OF
ELEMENTARY AND SECONDARY EDUCATION:

POLICY ISSUES PAPER ON MIGRANT EDUCATION

SUBMITTED BY

THE MIGRANT EDUCATION PROJECT
THE NATIONAL COUNCIL OF LA RAZA

RAUL YZAGUIRRE, PRESIDENT

TO

THE SUBCOMMITTEE ON ELEMENTARY, SECONDARY
AND VOCATIONAL EDUCATION
OF
THE COMMITTEE ON EDUCATION AND LABOR

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The National Council of La Raza would like to take this opportunity to thank Chairman Perkins and the members of the Subcommittee on Elementary, Secondary, and Vocational Education for inviting us to submit a policy paper concerning the needs of elementary and secondary education for the 1980's. The National Council of La Raza (NCLR) is extremely interested in the education of those of limited English proficiency whose native language is Spanish. In this policy paper, however, we would like to focus on the educational concerns of children of migrant agricultural workers throughout the United States.

The children of migrant agricultural workers present particularly poignant concerns to those involved with their education. They face what appear to be unsurmountable barriers as they attempt to attain an even rudimentary education. Migrant children must overcome the obstacles of poverty, mobility, economic insecurity, and oftentimes, linguistic disparity. Such obstacles are manifested through such results as those presented by the Exotech Systems, Inc. in their publication, Evaluation of the Impact of ESEA Title I Programs for Migrant Children of Migrant Agricultural Workers, (1974):

- migrant students have only a 40 percent chance of entering the 9th grade, as compared to the non-migrant student who has a 96 percent chance of entering the 9th grade;
- migrant students have only an 11 percent chance of entering the 12th grade, while non-migrant students have an 80 percent chance of entering the 12th grade;
- the average migrant student is from six to eight months behind the expected grade level for his of her age group;
- approximately three years are required for the average migrant student in California and Texas to move from one grade level to the next in the third and fourth grades.

The National Council of La Raza and other advocates for migrant education are vividly aware of the immense number of problems facing the children of migrant workers. While not all groups agree on the precise focus of migrant education, most concur that there is a definite need for some degree of reform within the present migrant education programs. Some issues which many advocate groups are concerned with, and which the National Council of La Raza view as important, include:

1. The trend towards expanding the definition of the term "agricultural activity" for the purpose of including additional mobile populations other than those for whom these programs were originally intended;
2. the involvement of migrant parents in their children's education;
3. bilingual/bicultural education as it affects migrant children;
4. the identification and school enrollment of migrant children;
5. the coordination of migrant programs within the newly formed Department of Education;
6. migrant head start programs;
7. the role of the Community Services Administration in the coordination of government agencies involved with migrant education;
8. the impact of Competency-Based Testing on migrant children;
9. the educational rights of children of undocumented migrant workers;
10. the role of community-based organizations as coordinators for migrant education programs.

Defining and Expanding the Eligible Population

The definition of "migrant worker" is set forth by the Office of Education in its Federal Regulations. Under this definition both the children

of migrant agricultural workers and migrant fishermen are covered if they have,"... in the past twelve months, moved from one school district to another in order to enable the person to obtain temporary or seasonal employment in an agricultural or fishing activity." (Federal Register, Volume 42, No. 134, July 13, 1977). There is also included in this definition a provision for formerly migrant children who have settled out of the migrant stream within the last five years. Such a definition is quite broad in its scope and application.

Of concern to the National Council of La Raza and other organizations involved with migrant education is the trend towards expanding the definition of "migrant" students who are eligible to receive Title I migrant funds. Congress specifically mandated in P.L. 95-561 that grants under this program were to be used for the education of children of migratory agricultural workers and fishermen. However, the Office of Education has been moving towards the inclusion of children of other mobile populations in the program through its definition of "agricultural activities". Currently included in the broad heading are such populations as those involved with the production and processing of milk, poultry, and livestock; those involved with the operation of forest nurseries and fish farms; and those involved in the curing, canning, and freezing of crops. We feel that this continuing move towards expanding the definition of migrant worker could be extremely detrimental to the concentration on the unique educational needs of children of migrant agricultural farm workers. Our concern is that such an expansion of definition, to include more easily identifiable and serviceable mobile children, will lead to the usurpation of monies designated for migrant students who may be more mobile, less easily identified, and more difficult to recruit into the program.

We feel that Congress' intent, in allocating funds through Title I to educate migrant children, was to address the special needs of farmworker children, and not those faced by other mobile youth. We therefore have strong reservations with respect to administrative moves which allow such expansions of definitions, as they appear to directly contradict the original intent of Congress.

Parental Involvement

Many migrant education programs have been unsuccessful because they have failed to realistically assess the needs of migrant children. The programs have not been tailored to alleviate the difficulties faced by families who are forced to travel extensively and change schools often. Much more could be done to recruit knowledgeable individuals, ones familiar with the plight of migrant children, to assist in the development of worthwhile programs. Perhaps the most knowledgeable population of all, migrant parents, have had little input into the planning of migrant education programs. It is migrant parents who can truly understand the unique needs of their children; who can meaningfully assess the success of existing programs; and who can logistically suggest ideas for new program directions.

It is the National Council of La Raza's contention that parental involvement at the national, state and local levels is vital to the successful implementation and monitoring of migrant education programs. The National Council of La Raza feels that if parents are aware of the mandates of such programs as Title I Migrant Education Program, as well as their rights and the rights of their children under the program, then they will be able to ensure some degree of influence in their children's education.

Congress realized the importance of parental participation in the decision-making processess of the school districts. This was proven by their inclusion of a mandate in Title I of the Elementary and Secondary Education Act which makes Parent Advisory Councils a required element of the Regular Title I program. Congress' intent was quite clear regarding the establishment of Parent Advisory Councils for Title I programs. Included in Section 125(a) of the law are requirements for elections of the Council members and officers, the make-up of the Councils, and the meetings of the Councils.

Unfortunately, the Elementary and Secondary Education Act is not perfectly clear in its mandates for Migrant Parent Advisory Councils. Instead, the law states in Section 142(a) that:

> . . . in planning and carrying out programs and projects at both the State and local educational agency level, there has been and will be appropriate consultation with parent advisory councils established in accordance with regulations of the Commissioner [consistent with the requirements of 125(a)].

While the language of this Section clearly requires the formation of migrant Parent Advisory Councils, there is need for a more explicit mandate. The current mandate has resulted in inadequate and oftentimes window dressing parental involvement in many migrant education programs. It appears that unless parental involvement in Title I Migrant Education Programs is more specifically defined by Congress, the progress will be slow in involving the most knowledgeable faction of the community, migrant parents themselves, in the planning, implementation, and evaluation of programs pertaining to their children.

Bilingual/Bicultural Education

A number of children of migrant workers face additional hardships besides those contingent on their migrancy. Many of these children who come from home environments in which Spanish is the predominate language. A more than significant number of these children cannot speak English and are thus faced with the tremendous task of attempting to learn in an English-speaking society which continues to resist the recognition of linguistic and cultural differences within its citizenery. Bilingual education programs help to meet the special educational needs of migrant children of limited English speaking proficiency thereby alleviating inequalities in their education.

Funds under Title I of the Elementary and Secondary Education Act may be used for bilingual education programs thereby allowing local school districts to establish and maintain such special programs.

The major goals of bilingual education are to help children learn English and at the same time develop a good foundation in the basic subjects. Unfortunately, many local education agencies are unable to meet these goals despite good faith efforts to do so. There are several possible explanations for this situation in migrant education programs.

For example, one of the problems is that most migrant education teachers are not proficient in the language of the migrant child. The child thus becomes trapped in an educational setting where he or she is unable to understand the teacher's language. In addition, many teachers hired to teach in bilingual classrooms have little training or knowledge of the language or culture of the child. Teachers' aids are sometimes hired to assist the teacher in overcoming the linguistic barriers. However, teachers' aides are not quali-

fied teachers, and while they provide a necessary bridge between the children and the teacher, they cannot, and should not, be expected to fulfill the teacher's duties nor the schools responsibility.

The importance of a teacher who is able to understand and communicate with his or her students in their native language cannot be denied. Children must be allowed to learn in their own language, rather than delaying their cognitive development until they learn a new language. Bilingual education allows children to use the language they understand best to explore, interpret, and construct meanings, and therefore allows them to better remember and organize complex concepts. It is, therefore, obvious that there is a vital need for more trained bilingual education teachers in the Title I Migrant Education Programs who are able to work directly with the children, rather than depending on aides to act as translators.

Still another problem in attempting to meet the special educational needs of migrant children of limited English speaking proficiency is the lack of a national plan or strategy to meet these needs. State and local education agencies, therefore, are left on there own to develop plans and programs without meaningful guidance and/or assistance from the federal agencies funding migrant education programs. This situation has resulted in:

- the lack of a uniformed approach to meeting the special educational needs of migrant children of limited English speaking proficiency,
- a shortage of trained and experienced bilingual teachers and administrators within the migrant education programs,
- the inability of many local educational agencies to develop a comprehensive approach to meet the special educational needs of children of limited English speaking proficiency, and,
- a lack of adequate knowledge development activities in this area at the national level.

In summary, because migrant education programs are national in scope, the newly established Department of Education must exert a stronger leadership role in the development of national goals and strategies in order to ensure the special educational needs of migrant children with limited English language proficiency are met.

Identification and School Enrollment

In organizing the Title I migrant education program, Congress included as part of the allocation of funds a motivating factor for Local Education Agencies (LEA) to identify migrant students eligible to participate in the program. This was done by making the amount of the grant allocated to a particular LEA contingent upon the number of migrant students it enrolls in the Migrant Student Record Transfer System (MSRTS). Unfortunately, this method of identification and enrollment has not been totally successful. In 1978 the President's Commission on Mental Health estimated that there were 800,000 migrant children in the United States. Of those, only 569,000 were served by Title I migrant education funds. It is clear that there is a need for a more extensive system of identifying migrant children and enrolling them in school.

While we support the concept of fund allocations based on the number of students identified, we are aware of some drawbacks with such a system. One problem evolving from this arrangement is that even though a child is identified and enrolled in the MSRTS, thus generating Title I migrant funds for the Local Education Agency, he or she may never receive the educational services guaranteed as a result of his or her enrollment in the program. It is with such issues in mind that we support the concept of initiating some

type of benefit to those Local Education Agencies which serve a high percentage of those students which they have identified and enrolled in the MSRTS. Such an inducement might result in more migrant students gaining a more comprehensive and worthwhile education through the utilization of monies which were designed for that purpose.

Department of Education

Public Law 96-88, establishing a new and separate Department of Education was signed into law by President Carter on October 17, 1979. The Department of Education Organization Act of 1979 (DEOA) will reorganize the administration of education programs in the United States. Embodied within this reorganization is a provision for the development of a "single component responsible for the administration and coordination of programs relating to the education of migrants" (Section 303(a) of DEOA. Such a component will be responsible for the administration of all elementary, secondary, and postsecondary programs involving migrants. Those programs currently located in the Department of Labor will be transferred to the Department of Education following the establishment of the single migrant education office.

We strongly encouraged by Congress' insight into the need for an organized and cohesive administrative structure responsible for coordinating migrant education programs within the new Department. Advocates have long felt that educational programs were of prime importance to migrant workers and we therefore recommend the establishment of an Office of Migrant Education Services that reports directly to the Secretary of Education. It is hoped that the establishment of the new Office of Migrant Education Services will lead to the development of a unified approach to migrant education through coordination of migrant, as well as other related programs within the Department of Education. In the

future, the focus will be on the actual implementation of the Department's coordinating efforts, as well as the expansion of such efforts. It is our contention that an Office of Migrant Education Services is an important initial step towards the establishment of an extensive, intercoordinated organization of all programs involving migrant farmworkers.

It is hoped that this new Office of Migrant Education Services will play an important role in helping state, elementary, and secondary education programs to meet their own stated goals and objectives in delivering educational and other services to children of migrant workers and their families.

Head Start Programs

Preschool and Head Start programs are of particular importance to the children of migrant workers. Such programs provide younger children with the background necessary to enter grade school with a somewhat equitable chance of succeeding. They provide a base from whence all other educational programs can build. These programs also allow older children, who oftentimes must drop out of school to care for younger siblings, the opportunity to continue on in school by making such child care unnecessary. Therefore, all ages of children benefit from preschool and Head Start programs and it is seemingly obvious that these programs are of vital importance to the education of migrant children.

Unfortunately, migrant preschool and Head Start programs have suffered from a critical lack of funding. Title I migrant monies provide preschool programs to more children than any other funding source, but there is no separate funding base for the preschool programs. Funds for the preschool programs must be "siphoned off" from regular Title I migrant monies. It is

only after school-aged children have been provided with effective programs, that their preschool-aged siblings warrant funds.

Migrant Head Start is the only preschool migrant program which receives funds specially designated for the particular purpose. Unfortunately, these funds are not sufficient to provide Head Start programs to all preschool migrant children needing such services. Therefore, relatively few migrant children benefit from this program due to the limited funding sources as well as to the diverse implementation methods utilized by various projects. Some programs accept migrant children, but are unwilling to provide special services needed by migrant children such as extended hours, bilingual/bicultural staff members, and infant care.

These two programs, Title I preschool and Migrant Head Start, are also in competition with one another to attract eligible children to their particular program. Instead of providing complimentary and coordinated services, they have been competing for the control of the child's education. NCLR views such unnecessary jockeying as detrimental to the children as well as to the services the programs are able to provide. We, therefore, urge the initiation of more coordination and unification of services between these two programs.

Community Services Administration

There are currently nine federal programs being administered by three government agencies to provide education, health, manpower, day care, nutrition and related social services to migrant children. Thus far, there has been little coordination of services by Federal, state, and local programs. The results have been a duplication of efforts, overlapping of services, and competition between programs.

In effort to better coordinate these services Congress provided the Community Services Administration (CSA) with the authority to coordinate, re-review, and monitor Federal migrant programs. (P.L. 93-544). To date, however, CSA has failed to exhibit the leadership and authority necessary to effectively carry out this mandate. It is our hope that such coordination of efforts will be successfully instituted in order to ensure that all migrant children are provided with the most worthwhile and complimentary program available.

Competency-Based Testing

In an effort to raise academic achievement levels for students graduating from high school, 31 states have adopted some form of competency-based testing. Results indicate that a greater proportion of minority than white students fail these tests. This has also resulted in many racial and language minority migrant students being denied a high school diploma on the basis of a single test.

If the statistics of such failures are viewed as reflecting on the competency of the schools, rather than on individual students, then the test results clearly indicate a need for major improvements in our educational systems. On the other hand, the validity of such tests has not been adequately established and they may very well include significant language and cultural biases which cause migrants and other minority students to test poorly. In either case, migrant students are subjected to unfair and unequal educational rights which permit biased testing measures to determine their educational status and future opportunities.

Children of Undocumented Workers

There is no accurate estimation of the number of undocumented workers living in the United States; estimates range from less than one million to more than twelve million. Many of these undocumented workers are migrant farm laborers and some have school-aged children who travel with them. Some of these children of undocumented migrant workers are enrolled in public schools throughout the country and face the same problems as those confronting the children of domestic migrant workers.

Various efforts have been made to deny these children an education in public schools in the United States, but the courts in some states have supported the rights of the children of undocumented workers to attend public schools. In Texas, the U.S. District Court for the Eastern District declared in J. and R. Doe, et al. v. James Tyler, et al. that these children had the right to an education in public schools.

The National Council of La Raza supports such rights for these children, for it is our contention that all children in this country, regardless of their parents citizenship status, deserve and have Constitutional rights to be educated. We are aware of the fact that undocumented workers pay taxes and are a source of economical prosperity for their employers, however, they themselves attain few privileges or seek social benefits. We, therefore, feel that the children of such workers are victims of circumstance and should not be denied educational opportunities in this country.

Community-Based Organizations

While community-based organizations can theoetically serve as subgrantees to Local Education Agencies (LEA) and State Education Agencies (SEA) for the operation of Title I migrant education programs, they very seldom play this

role. The Commissioner of Education also has the statutory authority to by-pass an SEA and fund another public or non-profit agency to provide Title I migrant education programs in a state. Such by-passing can result if: a) a state is unwilling or unable to conduct educational programs for migrant children, b) such action would result in more efficient and economical program administration, or c) such action would contribute substantially to the welfare and educational attainment of migrant children.

The possibilities of invoking the "by-pass" provision have been raised in some states e.g., New Jersey, and there are instances in which SEA's have chosen to contract with non-profit organizations instead of LEA's for Title I migrant services e.g., the Texas Migrant Council. However, the by-pass provision has not been used as an alternative tool for assuring that migrant children in each state receive adequate educational services through Title I migrant funds. NCLR feels that there is a definite need for further exploration into the advantages of utilizing community-based organizations in order to ensure that migrant children are offered the most effective educational administration available.

CONCLUSION

The National Council of La Raza would once again like to thank Chairman Perkins and the members of the Subcommittee on Elementary, Secondary, and Vocational Education for presenting us with the opportunity to relate our issue priorities in regards to migrant education. We are aware of the limited depth of some very complex issues outlined in our paper, but have attempted to impart what we feel are the basic policy issues evolving in each area.

There is no doubt that further dialogue and analysis is needed on these topics. If additional information is needed, the National Council of La Raza is always available to the Subcommittee, and other interested organizations and individuals, to discuss these or other policy issues related to the education of migrant children.